


agrees that count Two should be vacated and seeks to withdraw its motion to dismiss.

The court has carefully reviewed this matter and with the government's consent, Count Two of petitioner's convictions is hereby VACATED. The hearing scheduled for October 16, 2014, is hereby cancelled. The United States Probation Office is directed to prepare an updated presentence memo. This matter is hereby set for re-sentencing at this court's November 12, 2014, term.

This 14th day of October 2014.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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